

REMARKS

In the outstanding Office Action, claims 13 – 23 were presented for examination. Applicant notes with appreciation the allowance of claims 20 – 23. It is also noted that no substantive rejection of unpatentability was advanced against any of the claims. Claims 13 – 24 are currently pending in the application. Claims 13 – 23 have been amended and claim 24 has been added. No new matter has been added. Reconsideration and allowance of claims 13 – 24 is respectfully requested.

Claim Objections

Claims 18 – 19 were objected to under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim 17. This objection has been addressed in the present amendment by multiple dependencies on a claim which is not multiply dependent.

Claim Rejections

35 U.S.C. § 101

Claims 13 – 19 were rejected under 35 U.S.C. § 101 because the claimed invention was directed to non-statutory subject matter. Applicants respectfully traverse this rejection. More particularly, the Office noted the alleged failure of the claims to claim tangible results, such as providing an output to a user, a display, or providing for storage or use in any other tangible manner. This has been addressed in the accompanying amendment of claim 13. In so far as claims 14 – 19 depend from claim 13, the amendment of claim 13 is believed to address the rejection of claims 14 – 19. Applicants respectfully request that this rejection be withdrawn.

Claim 13 has been addressed by the recitation of an “output low-noise optical signal suitable for detection, display, control or other use”. Such amendment is made for the purpose of conforming the claim to a nonsubstantive requirement of 35 U.S.C. § 101. In connection with this, it is noted that the claim has not been amended in scope to be broader or narrower than original claim 13, against which no substantive rejection was advanced. Accordingly, claim 13 is believed to be in condition for allowance.

Likewise, claims 14-19, which ultimately depend from claim 13, are also believed to be in condition for allowance, in so far as the same incorporate the above-quoted language by virtue of incorporation by dependency. Accordingly, it is believed that claims 14-19 are also presently in condition for allowance.

Finally, new claim 24 has been added. This claim depends from and further limits one of the allowed claims and, accordingly, it is believed to be clearly in condition for allowance.

CONCLUSION

In view of the above amendments and the discussion relating thereto, it is respectfully submitted that the present application is in condition for allowance. If, for any reason, the Examiner believes that consultation with the undersigned will be useful in the advancement of the prosecution, the Examiner is invited to contact the undersigned at the telephone number listed below.

Authorization is hereby given to charge deposit account 50-0369 in connection with any fees or extension of time or any other fee that may be necessary to permit entry of this response.

Dated: 3/19/07

Respectfully submitted,



Anthony H. Handal (Reg. No. 26,275)
Attorney for Applicant(s)
Brown Rudnick Berlack Israels LLP
One Financial Center, Box IP
Boston, MA 02111
Tel: (617) 856-8349
Fax: 617-856-8201
Email: ip@brownrudnick.com